

**2016-17 May Revision  
Education Omnibus Trailer Bill**

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***This document reflects changes to RN 16 07183 (dated February 2, 2016) in bold and new language to be added to RN 16 07183.***

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**Notice of Action Changes**

Section 8208 of the Education Code is amended to read:

(New for May Revision)

**SEC. XX.** 8208. As used in this chapter:

(a) "Alternative payments" includes payments that are made by one child care agency to another agency or child care provider for the provision of child care and development services, and payments that are made by an agency to a parent for the parent's purchase of child care and development services.

(b) "Alternative payment program" means a local government agency or nonprofit organization that has contracted with the department pursuant to Section 8220.1 to provide alternative payments and to provide support services to parents and providers.

(c) "Applicant or contracting agency" means a school district, community college district, college or university, county superintendent of schools, county, city, public agency, private nontax-exempt agency, private tax-exempt agency, or other entity that is authorized to establish, maintain, or operate services pursuant to this chapter. Private agencies and parent cooperatives, duly licensed by law, shall receive the same consideration as any other authorized entity with no loss of parental decision making prerogatives as consistent with the provisions of this chapter.

(d) "Assigned reimbursement rate" is that rate established by the contract with the agency and is derived by dividing the total dollar amount of the contract by the minimum child day of average daily enrollment level of service required.

(e) "Attendance" means the number of children present at a child care and development facility. "Attendance," for purposes of reimbursement, includes excused absences by children because of illness, quarantine, illness or quarantine of their parent, family emergency, or to spend time with a parent or other relative as required by a court of law or that is clearly in the best interest of the child.

(f) "Capital outlay" means the amount paid for the renovation and repair of child care and development facilities to comply with state and local health and safety standards, and the amount paid for the state purchase of relocatable child care and development facilities for lease to qualifying contracting agencies.

(g) "Caregiver" means a person who provides direct care, supervision, and guidance to children in a child care and development facility.

(h) "Child care and development facility" means a residence or building or part thereof in which child care and development services are provided.

(i) "Child care and development programs" means those programs that offer a full range of services for children from infancy to 13 years of age, for any part of a day, by a public or private agency, in centers and family child care homes. These programs include, but are not limited to, all of the following:

(1) General child care and development.

- (2) Migrant child care and development.
- (3) Child care provided by the California School Age Families Education Program (Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29 of Division 4 of Title 2).
- (4) California state preschool program.
- (5) Resource and referral.
- (6) Child care and development services for children with exceptional needs.
- (7) Family child care home education network.
- (8) Alternative payment.
- (9) Schoolage community child care.
- (j) "Child care and development services" means those services designed to meet a wide variety of needs of children and their families, while their parents or guardians are working, in training, seeking employment, incapacitated, or in need of respite. These services may include direct care and supervision, instructional activities, resource and referral programs, and alternative payment arrangements.
- (k) "Children at risk of abuse, neglect, or exploitation" means children who are so identified in a written referral from a legal, medical, or social service agency, or emergency shelter.
- (l) "Children with exceptional needs" means either of the following:
  - (1) Infants and toddlers under three years of age who have been determined to be eligible for early intervention services pursuant to the California Early Intervention Services Act (Title 14 (commencing with Section 95000) of the Government Code) and its implementing regulations. These children include an infant or toddler with a developmental delay or established risk condition, or who is at high risk of having a substantial developmental disability, as defined in subdivision (a) of Section 95014 of the Government Code. These children shall have active individualized family service plans, shall be receiving early intervention services, and shall be children who require the special attention of adults in a child care setting.
  - (2) Children 3 to 21 years of age, inclusive, who have been determined to be eligible for special education and related services by an individualized education program team according to the special education requirements contained in Part 30 (commencing with Section 56000) of Division 4 of Title 2, and who meet eligibility criteria described in Section 56026 and, Article 2.5 (commencing with Section 56333) of Chapter 4 of Part 30 of Division 4 of Title 2, and Sections 3030 and 3031 of Title 5 of the California Code of Regulations. These children shall have an active individualized education program, shall be receiving early intervention services or appropriate special education and related services, and shall be children who require the special attention of adults in a child care setting. These children include children with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (also referred to as emotional disturbance), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities, who need special education and related services consistent with Section 1401(3)(A) of Title 20 of the United States Code.
- (m) "Closedown costs" means reimbursements for all approved activities associated with the closing of operations at the end of each growing season for migrant child development programs only.
- (n) "Cost" includes, but is not limited to, expenditures that are related to the operation of child care and development programs. "Cost" may include a reasonable amount for state and local contributions to employee benefits, including approved retirement programs, agency administration, and any other reasonable program operational costs. "Cost" may also include amounts for licensable facilities in the community served by the program, including lease payments or depreciation, downpayments, and payments of principal and interest on loans incurred to acquire, rehabilitate, or construct licensable facilities, but these costs shall not exceed fair market rents existing in the community in which the facility is located. "Reasonable

and necessary costs” are costs that, in nature and amount, do not exceed what an ordinary prudent person would incur in the conduct of a competitive business.

(o) “Elementary school,” as contained in former Section 425 of Title 20 of the United States Code (the National Defense Education Act of 1958, Public Law 85-864, as amended), includes early childhood education programs and all child development programs, for the purpose of the cancellation provisions of loans to students in institutions of higher learning.

(p) “Family child care home education network” means an entity organized under law that contracts with the department pursuant to Section 8245 to make payments to licensed family child care home providers and to provide educational and support services to those providers and to children and families eligible for state-subsidized child care and development services. A family child care home education network may also be referred to as a family child care home system.

(q) “Health services” include, but are not limited to, all of the following:

(1) Referral, whenever possible, to appropriate health care providers able to provide continuity of medical care.

(2) Health screening and health treatment, including a full range of immunization recorded on the appropriate state immunization form to the extent provided by the Medi-Cal Act (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code) and the Child Health and Disability Prevention Program (Article 6 (commencing with Section 124025) of Chapter 3 of Part 2 of Division 106 of the Health and Safety Code), but only to the extent that ongoing care cannot be obtained utilizing community resources.

(3) Health education and training for children, parents, staff, and providers.

(4) Follow up treatment through referral to appropriate health care agencies or individual health care professionals.

(r) “Higher educational institutions” means the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, and the governing bodies of any accredited private nonprofit institution of postsecondary education.

(s) “Intergenerational staff” means persons of various generations.

(t) “Limited-English-speaking-proficient and non-English-speaking-proficient children” means children who are unable to benefit fully from an English-only child care and development program as a result of either of the following:

(1) Having used a language other than English when they first began to speak.

(2) Having a language other than English predominantly or exclusively spoken at home.

(u) “Local educational agency” means a school district, a county office of education, a community college district, or a school district on behalf of one or more schools within the school district.

(v) “Notice of action, application for services” means a written statement of specific information issued by the contractor that informs the applicant of the contractor's decision to approve or deny child care services.

(w) “Notice of action, recipient of services” means a written statement of specific information issued by the contractor informing the family receiving child care services that a change has been made to their service agreement. These changes may include, but are not limited to, need and eligibility requirements that are no longer being met, fees that have not been paid, or the proposed modification of the fee or amount of services provided by the contractor.

~~(u)~~~~(x)~~ “Parent” means a biological parent, stepparent, adoptive parent, foster parent, caretaker relative, or any other adult living with a child who has responsibility for the care and welfare of the child.

~~(v)~~~~(y)~~ “Program director” means a person who, pursuant to Sections 8244 and 8360.1, is qualified to serve as a program director.

~~(w)~~(z) "Proprietary child care agency" means an organization or facility providing child care, which is operated for profit.

~~(x)~~(aa) "Resource and referral programs" means programs that provide information to parents, including referrals and coordination of community resources for parents and public or private providers of care. Services frequently include, but are not limited to: technical assistance for providers, toy-lending libraries, equipment-lending libraries, toy- and equipment-lending libraries, staff development programs, health and nutrition education, and referrals to social services.

~~(y)~~(ab) "Severely disabled children" are children with exceptional needs from birth to 21 years of age, inclusive, who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, or severe intellectual disabilities. "Severely disabled children" also include those individuals who would have been eligible for enrollment in a developmental center for handicapped pupils under Chapter 6 (commencing with Section 56800) of Part 30 of Division 4 of Title 2 as it read on January 1, 1980.

~~(z)~~(ac) "Short-term respite child care" means child care service to assist families whose children have been identified through written referral from a legal, medical, or social service agency, or emergency shelter as being neglected, abused, exploited, or homeless, or at risk of being neglected, abused, exploited, or homeless. Child care is provided for less than 24 hours per day in child care centers, treatment centers for abusive parents, family child care homes, or in the child's own home.

~~(aa)~~(ad) (1) "Site supervisor" means a person who, regardless of his or her title, has operational program responsibility for a child care and development program at a single site. A site supervisor shall hold a permit issued by the Commission on Teacher Credentialing that authorizes supervision of a child care and development program operating in a single site. The Superintendent may waive the requirements of this subdivision if the Superintendent determines that the existence of compelling need is appropriately documented.

(2) For California state preschool programs, a site supervisor may qualify under any of the provisions in this subdivision, or may qualify by holding an administrative credential or an administrative services credential. A person who meets the qualifications of a program director under both Sections 8244 and 8360.1 is also qualified under this subdivision.

~~(ab)~~(ae) "Standard reimbursement rate" means that rate established by the Superintendent pursuant to Section 8265.

~~(ae)~~(af) "Startup costs" means those expenses an agency incurs in the process of opening a new or additional facility before the full enrollment of children.

~~(ad)~~(ag) "California state preschool program" means part-day and full-day educational programs for low-income or otherwise disadvantaged three- and four-year-old children.

~~(ae)~~(ah) "Support services" means those services that, when combined with child care and development services, help promote the healthy physical, mental, social, and emotional growth of children. Support services include, but are not limited to: protective services, parent training, provider and staff training, transportation, parent and child counseling, child development resource and referral services, and child placement counseling.

~~(af)~~(ai) "Teacher" means a person with the appropriate permit issued by the Commission on Teacher Credentialing who provides program supervision and instruction that includes supervision of a number of aides, volunteers, and groups of children.

~~(ag)~~(aj) "Underserved area" means a county or subcounty area, including, but not limited to, school districts, census tracts, or ZIP Code areas, where the ratio of publicly subsidized child care and development program services to the need for these services is low, as determined by the Superintendent.

~~(ah)~~(ak) "Workday" means the time that the parent requires temporary care for a child for any of the following reasons:

- (1) To undertake training in preparation for a job.
  - (2) To undertake or retain a job.
  - (3) To undertake other activities that are essential to maintaining or improving the social and economic function of the family, are beneficial to the community, or are required because of health problems in the family.
- ~~(ai)~~(al) "Three-year-old children" means children who will have their third birthday on or before the date specified of the fiscal year in which they are enrolled in a California state preschool program, as follows:
- (1) November 1 of the 2012–13 fiscal year.
  - (2) October 1 of the 2013–14 fiscal year.
  - (3) September 1 of the 2014–15 fiscal year and each fiscal year thereafter.
- ~~(aj)~~(am) "Four-year-old children" means children who will have their fourth birthday on or before the date specified of the fiscal year in which they are enrolled in a California state preschool program, as follows:
- (1) November 1 of the 2012–13 fiscal year.
  - (2) October 1 of the 2013–14 fiscal year.
  - (3) September 1 of the 2014–15 fiscal year and each fiscal year thereafter.
- ~~(ak) "Local educational agency" means a school district, a county office of education, a community college district, or a school district on behalf of one or more schools within the school district.~~

### Notice of Action Changes

Add Section 8262.7 to the Education Code:

(New for May Revision)

**SEC. 8262.7.** (a) In order to assist with a uniform due process system across the state, the Department shall create a required agency form for both (1) notice of action, application for services, and (2) notice of action, recipient of services. These forms shall comply and be equivalent with Section 658P(2) of the federal Child Care and Development Act of 2014 with regards to child care certificates.

(b) Notices of action forms must include information about parents' due process rights and be written in a user-friendly manner.

(c) The Superintendent shall adopt rules and regulations to specify additional criteria for notices of action, as defined in subdivisions (v) and (w) in Section 8208.

### Single-Parent Verification

Section 8263 of the Education Code is amended to read:

(New for May Revision)

**SEC. XX.** 8263.(a) The Superintendent shall adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement this chapter. In order to be eligible for federal and state subsidized child development services, families shall meet at least one requirement in each of the following areas:

- (1) A family is (A) a current aid recipient, (B) income eligible, (C) homeless, or (D) one whose children are recipients of protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited.
- (2) A family needs the child care services (A) because the child is identified by a legal, medical, or social services agency, a local educational agency liaison for homeless children and youths designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, a Head Start program, or an emergency or transitional shelter as (i) a recipient of protective services, (ii) being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation, or (iii) being

homeless or (B) because the parents are (i) engaged in vocational training leading directly to a recognized trade, paraprofession, or profession, (ii) employed or seeking employment, (iii) seeking permanent housing for family stability, or (iv) incapacitated.

(3) When only one parent has signed an application for enrollment, as required by the Department, and the information provided indicates the child(ren) in the family has another parent whose name does not appear on the application, then the presence or absence of that parent shall be self-certified by the parent signing the application, under penalty of perjury.

(b) Except as provided in Article 15.5 (commencing with Section 8350), priority for federal and state subsidized child development services is as follows:

(1) First priority shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If an agency is unable to enroll a child in the first priority category, the agency shall refer the family to local resource and referral services to locate services for the child.

(B) A family who is receiving child care on the basis of being a child at risk of abuse, neglect, or exploitation, as defined in subdivision (k) of Section 8208, is eligible to receive services pursuant to subparagraph (A) for up to three months, unless the family becomes eligible pursuant to subparagraph (C).

(C) A family may receive child care services for up to 12 months on the basis of a certification by the county child welfare agency that child care services continue to be necessary or, if the child is receiving child protective services during that period of time, and the family requires child care and remains otherwise eligible. This time limit does not apply if the family's child care referral is recertified by the county child welfare agency.

(2) Second priority shall be given equally to eligible families, regardless of the number of parents in the home, who are income eligible. Within this priority, families with the lowest gross monthly income in relation to family size, as determined by a schedule adopted by the Superintendent, shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with exceptional needs shall be admitted first. If there is no family of the same priority with a child with exceptional needs, the same priority family that has been on the waiting list for the longest time shall be admitted first. For purposes of determining order of admission, the grants of public assistance recipients shall be counted as income.

(3) The Superintendent shall set criteria for, and may grant specific waivers of, the priorities established in this subdivision for agencies that wish to serve specific populations, including children with exceptional needs or children of prisoners. These new waivers shall not include proposals to avoid appropriate fee schedules or admit ineligible families, but may include proposals to accept members of special populations in other than strict income order, as long as appropriate fees are paid.

(c) Notwithstanding any other law, in order to promote continuity of services, a family enrolled in a state or federally funded child care and development program whose services would otherwise be terminated because the family no longer meets the program income, eligibility, or need criteria may continue to receive child development services in another state or federally funded child care and development program if the contractor is able to transfer the family's enrollment to another program for which the family is eligible before the date of termination of services or to exchange the family's existing enrollment with the enrollment of a family in another program, provided that both families satisfy the eligibility requirements for the program in which they are being enrolled. The transfer of enrollment may be to another program within the same administrative agency or to another agency that administers state or federally funded child care and development programs.

(d) In order to promote continuity of services, the Superintendent may extend the 60-working-day period specified in subdivision (a) of Section 18086.5 of Title 5 of the California Code of Regulations for an additional 60 working days if he or she determines that opportunities for

employment have diminished to the degree that one or both parents cannot reasonably be expected to find employment within 60 working days and granting the extension is in the public interest. The scope of extensions granted pursuant to this subdivision shall be limited to the necessary geographic areas and affected persons, which shall be described in the Superintendent's order granting the extension. It is the intent of the Legislature that extensions granted pursuant to this subdivision improve services in areas with high unemployment rates and areas with disproportionately high numbers of seasonal agricultural jobs.

(e) A physical examination and evaluation, including age-appropriate immunization, shall be required before, or within six weeks of, enrollment. A standard, rule, or regulation shall not require medical examination or immunization for admission to a child care and development program of a child whose parent or guardian files a letter with the governing board of the child care and development program stating that the medical examination or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the program because of a parent or guardian having filed the letter. However, if there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the program until the governing board of the child care and development program is satisfied that the child is not suffering from that contagious or infectious disease.

(f) Regulations formulated and promulgated pursuant to this section shall include the recommendations of the State Department of Health Care Services relative to health care screening and the provision of health care services. The Superintendent shall seek the advice and assistance of these health authorities in situations where service under this chapter includes or requires care of children who are ill or children with exceptional needs.

(g) The Superintendent shall establish guidelines for the collection of employer-sponsored child care benefit payments from a parent whose child receives subsidized child care and development services. These guidelines shall provide for the collection of the full amount of the benefit payment, but not to exceed the actual cost of child care and development services provided, notwithstanding the applicable fee based on the fee schedule.

(h) The Superintendent shall establish guidelines according to which the director or a duly authorized representative of the child care and development program will certify children as eligible for state reimbursement pursuant to this section.

(i) Public funds shall not be paid directly or indirectly to an agency that does not pay at least the minimum wage to each of its employees.

### **County Offices of Education - Local Child Care Planning**

Section 8499 of the Education Code is amended to read:

(New for May Revision)

**SEC. XX.** 8499. ~~For purposes of this chapter, the following definitions shall apply:~~

~~(a) "Block grant" means the block grant contained in Title VI of the Child Care and Development Fund, as established by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193).~~

~~(b) "Child care" means all licensed child care and development services and license-exempt child care, including, but not limited to, private for-profit programs, nonprofit programs, and publicly funded programs, for all children up to and including 12 years of age, including children with exceptional needs and children from all linguistic and cultural backgrounds.~~

~~(c) "Child care provider" means a person who provides child care services or represents persons who provide child care services.~~

~~(d) "Community representative" means a person who represents an agency or business that provides private funding for child care services, or who advocates for child care services through participation in civic or community-based organizations but is not a child care provider~~

and does not represent an agency that contracts with the State Department of Education to provide child care and development services.

(e) ~~“Consumer” means a parent or person who receives, or who has received within the past 36 months, child care services.~~

(f) ~~“Department” means the State Department of Education.~~

(g) ~~“Local planning council” means a local child care and development planning council as described in Section 8499.3.~~

(h) ~~“Public agency representative” means a person who represents a city, county, city and county, or local educational agency.~~

(a) It is the intent of the Legislature that county offices of education, either individually or in a consortium, provide a forum for the identification of local priorities for child care and the development of policies to meet the needs identified within those priorities.

(b) As a condition of the receipt of funding for that purpose, by May 30 of each year, the county superintendent of schools shall submit to the department the local priorities it has identified that reflect all child care needs in the county. To accomplish this, a county superintendent of schools shall do all of the following:

(1) Conduct an assessment of child care needs in the county no less frequently than once every three years. The department shall define and prescribe data elements to be included in the needs assessment and shall specify the format for the data reporting. The needs assessment shall also include all factors deemed appropriate by the county office of education in order to obtain an accurate picture of the comprehensive child care needs in the county. The factors shall include, but are not limited to, all of the following:

(A) The needs of families eligible for subsidized child care.

(B) The needs of families not eligible for subsidized child care.

(C) Information on local waiting lists for state-subsidized child care programs, as available.

(D) The need for child care for children determined by a child protective services agency to be neglected, abused, or exploited, or at risk of being neglected, abused, or exploited.

(E) The number of children in families receiving public assistance, including CalFresh benefits, housing support, and Medi-Cal, and assistance from the Healthy Families Program and the Temporary Assistance for Needy Families (TANF) program.

(F) Family income among families with children younger than 13 years old.

(G) The number of children in migrant agricultural families who move from place to place for work or who are currently dependent for their income on agricultural employment in accordance with subdivision (a) of, and paragraphs (1) and (2) of subdivision (b) of, Section 8231.

(H) The number of children who have been determined by a regional center to require services pursuant to an individualized family service plan, or by a local educational agency to require services pursuant to an individualized education program or an individualized family service plan.

(I) The number of children in the county by primary language spoken pursuant to the department’s language survey.

(J) Special needs based on geographic considerations, including rural areas.

(K) The number of children needing child care services by age cohort.

(2) Document information gathered during the needs assessment which shall include, but need not be limited to, data on supply, demand, cost, and market rates for each category of child care in the county.

(3) Identify local priorities for expanding access to subsidized child care, goals in regard to the local priorities, and the method for measuring the county office of education’s progress toward achieving those goals.

(A) The county office of education shall work with the county board of supervisors, child care providers that reflect the range of child care providers in the county, local educational agencies, families, and human services and other local public agencies to develop priorities.



(B) The county office of education shall encourage public input and provide at least one public hearing during which members of the public can comment on the proposed priorities.

(4) Prepare a comprehensive countywide child care plan designed to mobilize public and private resources to address identified needs. County offices of education are encouraged to combine this plan with the Regional Early Learning Plan defined in Section XX to create an aligned set of early learning and child care priorities for their region.

(5) Collaborate with subsidized and nonsubsidized child care providers, county welfare departments, human service agencies, regional centers, job training programs, employers, integrated child and family service councils, local and state children and families commissions, parent organizations, early start family resource centers, family empowerment centers on disability, local child care resource and referral programs, and other interested parties to foster partnerships designed to meet local child care needs.

(6) Coordinate part-day programs with other child care and development services to provide full-day child care.

(c) The department shall, in conjunction with the State Department of Social Services and all appropriate statewide agencies and associations, develop guidelines for use by county offices of education to assist them in conducting needs assessments that are reliable and accurate. The guidelines shall include acceptable sources of demographic and child care data, and methodologies for assessing child care supply and demand.

(d) Except as otherwise required by subdivision (c) of Section 8236, the department shall allocate funding within each county in accordance with the priorities identified by the respective county office of education and submitted to the department pursuant to this section, unless the priorities do not meet the requirements of state or federal law.

Repeal Section 8499.3 of the Education Code.

(New for May Revision)

**SEC. XX.** ~~8499.3. (a) It is the intent of the Legislature that local child care and development planning councils shall provide a forum for the identification of local priorities for child care and the development of policies to meet the needs identified within those priorities.~~

~~(b) The county office of supervisors and the county superintendent of schools shall do both of the following:~~

~~(1) Select the members of the local planning council. Before making selections pursuant to this subdivision, the board of supervisors and the county superintendent of schools shall publicize their intention to select the members and shall invite local organizations to submit nominations. In counties in which the superintendent is appointed by the county office of education, the county office of education may make the appointment or may delegate that responsibility to the superintendent.~~

~~(2) Establish the term of appointment for the members of the local planning council.~~

~~(c) (1) The local planning council shall be comprised as follows:~~

~~(A) Twenty percent of the membership shall be consumers.~~

~~(B) Twenty percent of the membership shall be child care providers, reflective of the range of child care providers in the county.~~

~~(C) Twenty percent of the membership shall be public agency representatives.~~

~~(D) Twenty percent of the membership shall be community representatives, who shall not be child care providers or agencies that contract with the department to provide child care and development services.~~

~~(E) The remaining 20 percent shall be appointed at the discretion of the appointing agencies.~~

~~(2) The board of supervisors and the superintendent of schools shall each appoint one-half of the members. In the case of uneven membership, both appointing entities shall agree on the odd-numbered appointee.~~

~~(d) Every effort shall be made to ensure that the ethnic, racial, and geographic composition of the local planning council is reflective of the ethnic, racial, and geographic distribution of the population of the county.~~

~~(e) The board of supervisors and county superintendent of schools may designate an existing child care planning council or coordinated child and family services council as the local planning council, as long as it has or can achieve the representation set forth in this section.~~

~~(f) Upon establishment of a local planning council, the local planning council shall elect a chair and select a staff.~~

~~(g) Each local planning council shall develop and implement a training plan to provide increased efficiency, productivity, and facilitation of local planning council meetings. This may include developing a training manual, hiring facilitators, and identifying strategies to meet the objectives of the council.~~

~~(h) No member of a local planning council shall participate in a vote if he or she has a proprietary interest in the outcome of the matter being voted upon.~~

Repeal Section 8499.5 of the Education Code.

(New for May Revision)

**SEC. XX.** ~~8499.5.(a) The department shall allocate child care funding pursuant to Chapter 2 (commencing with Section 8200) based on the amount of state and federal funding that is available.~~

~~(b) By May 30 of each year, upon approval by the county office of supervisors and the county superintendent of schools, a local planning council shall submit to the department the local priorities it has identified that reflect all child care needs in the county. To accomplish this, a local planning council shall do all of the following:~~

~~(1) Conduct an assessment of child care needs in the county no less frequently than once every five years. The department shall define and prescribe data elements to be included in the needs assessment and shall specify the format for the data reporting. The needs assessment shall also include all factors deemed appropriate by the local planning council in order to obtain an accurate picture of the comprehensive child care needs in the county. The factors include, but are not limited to, all of the following:~~

~~(A) The needs of families eligible for subsidized child care.~~

~~(B) The needs of families not eligible for subsidized child care.~~

~~(C) The waiting lists for programs funded by the department and the State Department of Social Services.~~

~~(D) The need for child care for children determined by the child protective services agency to be neglected, abused, or exploited, or at risk of being neglected, abused, or exploited.~~

~~(E) The number of children in families receiving public assistance, including CalFresh benefits, housing support, and Medi-Cal, and assistance from the Healthy Families Program and the Temporary Assistance for Needy Families (TANF) program.~~

~~(F) Family income among families with preschool or schoolage children.~~

~~(G) The number of children in migrant agricultural families who move from place to place for work or who are currently dependent for their income on agricultural employment in accordance with subdivision (a) of, and paragraphs (1) and (2) of subdivision (b) of, Section 8231.~~

~~(H) The number of children who have been determined by a regional center to require services pursuant to an individualized family service plan, or by a local educational agency to require services pursuant to an individualized education program or an individualized family service plan.~~

~~(I) The number of children in the county by primary language spoken pursuant to the department's language survey.~~

~~(J) Special needs based on geographic considerations, including rural areas.~~

~~(K) The number of children needing child care services by age cohort.~~

- ~~(2) Document information gathered during the needs assessment which shall include, but need not be limited to, data on supply, demand, cost, and market rates for each category of child care in the county.~~
- ~~(3) Encourage public input in the development of the priorities. Opportunities for public input shall include at least one public hearing during which members of the public can comment on the proposed priorities.~~
- ~~(4) Prepare a comprehensive countywide child care plan designed to mobilize public and private resources to address identified needs.~~
- ~~(5) Conduct a periodic review of child care programs funded by the department and the State Department of Social Services to determine if identified priorities are being met.~~
- ~~(6) Collaborate with subsidized and nonsubsidized child care providers, county welfare departments, human service agencies, regional centers, job training programs, employers, integrated child and family service councils, local and state children and families commissions, parent organizations, early start family resource centers, family empowerment centers on disability, local child care resource and referral programs, and other interested parties to foster partnerships designed to meet local child care needs.~~
- ~~(7) Design a system to consolidate local child care waiting lists, if a centralized eligibility list is not already in existence.~~
- ~~(8) Coordinate part-day programs, including state preschool and Head Start, with other child care and development services to provide full-day child care.~~
- ~~(9) Submit the results of the needs assessment and the local priorities identified by the local planning council to the board of supervisors and the county superintendent of schools for approval before submitting them to the department.~~
- ~~(10) Identify at least one, but not more than two, members to serve as part of the department team that reviews and scores proposals for the provision of services funded through contracts with the department. Local planning council representatives may not review and score proposals from the geographic area covered by their own local planning council. The department shall notify each local planning council whenever this opportunity is available.~~
- ~~(c) The department shall, in conjunction with the State Department of Social Services and all appropriate statewide agencies and associations, develop guidelines for use by local planning councils to assist them in conducting needs assessments that are reliable and accurate. The guidelines shall include acceptable sources of demographic and child care data, and methodologies for assessing child care supply and demand.~~
- ~~(d) Except as otherwise required by subdivision (c) of Section 8236, the department shall allocate funding within each county in accordance with the priorities identified by the local planning council of that county and submitted to the department pursuant to this section, unless the priorities do not meet the requirements of state or federal law.~~

Section 8499.7 of the Education Code is amended to read:

(New for May Revision)

**SEC. XX.** 8499.7.(a) It is the intent of the Legislature that any additional conditions imposed upon ~~local planning councils~~ county offices of education for local child care planning shall be funded from available federal funds to the greatest extent legally possible.

(b) Commencing with the 2016-17 fiscal year, the Department shall allocate funds designated for local planning councils in the annual Budget Act to county offices of education.

## **K-12 School Facility Emergency Repair Revolving Loan**

Section 17375 of the Education Code is added to read:

(New for May Revision)

**SEC. XX.** 17375. (a) There is hereby established the K-12 School Facility Emergency Repair Revolving Loan Program for the purpose of providing bridge loans to school districts to address imminent emergency health and safety facilities repairs that result in the displacement of pupils from an educational setting. The loan program shall be administered by the Superintendent of Public Instruction.

(b) From the resources available for the K-12 School Facility Emergency Repair Revolving Loan Program, participating school districts meeting the requirements of this article shall be eligible to receive bridge loan funding to expeditiously mitigate emergency health and safety repairs, to ensure pupils are able to return to their school site.

(c) An eligible applicant shall be a school district that has an emergency health and safety issue and meets all of the following conditions:

(1) The health and safety issue causes a school site to be out of service for at least one week.

(2) To mitigate the issue, the school will close and cause pupils to be outside of an educational setting for at least one week.

(3) The school district has no alternative facility available to continue instruction.

(4) The school district has exhausted all readily available state and local resources to remediate the health and safety issue.

(5) The school facilities in question have been deemed unsafe for occupation by an outside public agency, including but not limited to, a local public health office.

(d) (1) For purposes of this article, “emergency health and safety facilities repairs” means structures or systems that are in a condition that pose a threat to the health and safety of pupils while at school. These projects may include, but are not limited to, the following types of facility repairs or replacements:

(A) Gas leaks.

(B) Electrical power failure.

(C) Major sewer line stoppage.

(D) Major pest or vermin infestation.

(E) Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupil or staff.

(F) Structural damage creating a hazardous or uninhabitable condition.

(2) For purposes of this section, “emergency health and safety facilities repairs” does not include any cosmetic or nonessential repairs.

(e) A school district that receives a loan through their voluntary participation in the K-12 School Facility Emergency Repair Revolving Loan Program shall agree to expend the proceeds of the loan for the sole purpose of mitigating the identified emergency health and safety issue. Any loan funds not needed to mitigate the identified emergency health and safety issue shall be returned to the K-12 School Facility Emergency Repair Revolving Loan Fund by the school district.

Section 17376 of the Education Code is added to read:

(New for May Revision)

**SEC. XX.** 17376. (a) The K-12 School Facility Emergency Repair Revolving Loan Fund is hereby created in Section A of the State School Fund.

(b) Funds identified within the annual Budget Act for this purpose shall be available for the K-12 School Facility Emergency Repair Revolving Loan Fund. Moneys transferred pursuant to this subdivision shall be used for the purpose of addressing emergency health and safety facilities repairs pursuant to Section 17375.

(c) Within one year of loan disbursement, the school district shall have the option to repay the principal amount in full without interest, or the Superintendent of Public Instruction shall structure a long-term loan with a repayment plan of principal plus interest, pursuant to subdivision (d). A school district is encouraged to fully repay a loan from the K-12 School Facility Emergency Repair Revolving Loan Fund by either participating in the state's School Facilities Program pursuant to Section 17070.10 through 17079.30, or using available local resources.

(d)(1) If the school district opts not to repay the loan in full pursuant to subdivision (c), commencing with the first fiscal year following the fiscal year the school district receives the loan, the Superintendent of Public Instruction may direct the Controller to deduct from apportionments made to the school district, as appropriate, an amount equal to the annual repayment of the amount loaned to the school district under this section and pay the same amount into the K-12 School Facility Emergency Repair Revolving Loan Fund. Upon direction, the repayment of the full amount loaned to the school district shall be deducted by the Controller in equal annual amounts over a number of years agreed upon between the loan recipient and the Superintendent of Public Instruction in accordance with the loan terms specified in this article.

(2) The loan amount plus interest shall be repaid by the school district on the date this act becomes effective, for a period not to exceed 20 years.

(3) Notwithstanding paragraph (1), a school district shall have the option to fully repay the outstanding balance of a loan issued pursuant to paragraph (1) at any time.

Section 17377 of the Education Code is added to read:

(New for May Revision)

**SEC. XX. 17377.** (a) A loan pursuant to subdivision (d) of Section 17376 from moneys in the K-12 School Facility Emergency Repair Revolving Loan Fund shall be loaned at the interest rate earned by the money in the Pooled Money Investment Account plus two percent as of the date of disbursement of the funds to the school district.

(b) A school district shall pay the principle and interest on any loan from the fund either in total pursuant to subdivision (c) of Section 17376 or in regular installments withdrawn from the annual apportionment the school district receives pursuant to subdivision (d) of Section 17376.

(c) All principle and interest payments shall be paid into the K-12 School Facility Emergency Repair Revolving Loan Fund.

Section 17378 of the Education Code is added to read:

(New for May Revision)

**SEC. XX. 17378.** (a) The Superintendent of Public Instruction shall do all of the following:

(a) Adopt regulations and review and amend its regulations, as necessary, pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), for the administration of this article. The initial regulations adopted pursuant to this article shall be adopted as emergency regulations, and the circumstances related to the initial adoption are hereby deemed to constitute an emergency for this purpose. The initial regulations adopted pursuant to this article shall be adopted by June 30, 2017.

(b) Establish and publish any procedures and policies in connection with the administration of this article as it deems necessary.

(c) Disburse loan funds to approved school districts as expeditiously possible, pursuant to the conditions of this article.

(d) Collect or direct the Controller to intercept principal and interest loan repayments for transfer to the K-12 School Facility Emergency Repair Revolving Loan Fund.

(e) Provide technical assistance to school districts to implement this article.

Section 17379 of the Education Code is added to read:

(New for May Revision)

**SEC. XX.** 17379 . (a) By October 1 of each year, the Superintendent of Public Instruction shall provide detailed fund condition information for the K-12 School Facility Emergency Repair Revolving Loan Fund to the Department of Finance and the Legislative Analyst's Office. At a minimum, this information shall contain an accounting of actual beginning balances, revenues, itemized expenditures, and ending balances for the prior year, as well as projected beginning balances, revenues, itemized expenditures, and ending balances for the current year and budget year.

Section 17380 of the Education Code is added to read:

(New for May Revision)

**SEC. XX.** 17380. (a)(1) It is the intent of the Legislature that each school district exercise due diligence in the administration of deferred maintenance and regular maintenance in order to avoid the occurrence of emergency repairs.

(2) A school district's participation in this program shall be voluntary.

### **Proposition 98 Settle-up Payment**

Section 41207.42 of the Education Code is amended to read:

**SEC. 5.** 41207.42.(a)(1)The sum of two hundred ~~fifty-seven~~ eighteen million dollars ~~(\$257,000,000)~~ (\$218,000,000) is hereby appropriated in the 2016-17 fiscal year from the General Fund to the Controller for allocation to school districts and community college districts for the purpose of offsetting the 2009–10 fiscal year outstanding balance of the minimum funding obligation to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution.

(2) The amount appropriated pursuant to this subdivision shall be allocated to school districts and community college districts, as described in subdivision (a) of Section 41203.1, in accordance with the following:

**(A) ~~Two hundred twenty-eight million nine hundred ten~~ One hundred ninety-four million one hundred seventy-three** thousand dollars ~~(\$228,910,000)~~ (\$194,173,000) for transfer by the Controller to Section A of the State Schools Fund for allocation by the Superintendent pursuant to this section.

**(B) ~~Twenty-eight million ninety~~ Twenty-three million eight hundred twenty-seven** thousand dollars ~~(\$28,090,000)~~ (\$23,827,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to community colleges districts for deferred maintenance, instructional materials, and other activities as specified in Provision 20 of Item 6870-101-0001 of the Budget Act of 2016.

(3) The amount allocated to school districts pursuant to subparagraph (A) of paragraph (2) shall be distributed on the basis of an equal amount per unit of regular average daily attendance, as those average daily attendance numbers are reported at the time of the second principal apportionment for the 2015-16 fiscal year.

(4) The amount allocated to community college districts pursuant subparagraph (B) of paragraph (2) shall be distributed on the basis of an equal amount per enrolled full-time equivalent student, as those numbers of students are reported at the time of the second principal apportionment for the 2015-16 fiscal year.

(5) For purposes of this subdivision a school district includes a county office of education and a charter school.

(b) For purposes of Section 8 of Article XVI of the California Constitution, the amounts appropriated and allocated pursuant to this section shall be applied to the outstanding balance of the minimum funding obligation to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution for the 2009-10 fiscal year, and shall be deemed to be appropriations made and allocated in that fiscal year in which the deficiencies resulting in the outstanding balance were incurred.

(c) Funding received by school districts pursuant to subparagraph (A) of paragraph (2) of subdivision (a) shall first be deemed to be paid in satisfaction of any outstanding claims pursuant to Section 6 of Article XIII B of the California Constitution for reimbursement of state-mandated local costs for any fiscal year. Notwithstanding Section 12419.5 of the Government Code and any amounts that are deemed, pursuant to this subdivision, to be paid in satisfaction of outstanding claims for reimbursement of state-mandated local costs, the Controller may audit any claim as allowed by law and may recover any amount owed by school districts pursuant to an audit only by reducing amounts owed for any other mandate claims. Under no circumstances shall a school district be required to remit funding back to the state to pay for disallowed costs identified by a Controller audit of claimed reimbursable state-mandated local program costs. The Controller shall not recover any amount owed by a school district pursuant to an audit of claimed reimbursable state-mandated local program costs by reducing any amount owed a school district for any purpose other than amounts owed for any other mandate claims. The Controller shall apply amounts received by each school district against any balances of unpaid claims for reimbursement of state-mandated local costs and interest in chronological order beginning with the earliest claim. The Controller shall report to each school district the amounts of any claims and interest that are offset from funds provided pursuant to this section and shall report a summary of the amounts offset for each mandate for each fiscal year to the Department of Finance and the fiscal committees of the Legislature.

(d) (1) The governing board of a school district may expend the one-time funds received pursuant to subparagraphs (A) of paragraph (2) of subdivision (a) for any purpose, as determined by the governing board.

(2) It is the intent of the Legislature that school districts will prioritize the use of these one-time funds for deferred maintenance, professional development, induction for beginning teachers with a focus on relevant mentoring, instructional materials, technology infrastructure, and any other investments necessary to support implementation of the common core standards in English language arts and mathematics, the implementation of English language development standards, and the implementation of the Next Generation Science standards.

### **Foster Youth Services Coordinating Program Funding Allocation**

Section 42920.5 of the Education Code is amended to read: (New for May Revision)

**SEC. XX.** 42920.5. (a) Commencing with the 2015–16 fiscal year, and each fiscal year thereafter, the Foster Youth Services Coordinating Program, administered by the Superintendent, is hereby established to provide supplemental funding to county offices of education, or a consortium of county offices of education, to coordinate and ensure that local educational agencies within its jurisdiction are providing services to foster youth pupils pursuant to the plan established in Section 42921, with the purpose of ensuring positive educational outcomes.

(b) A foster youth services coordinating program shall meet minimum standards established by the Superintendent to ensure the provisions of Section 42921 are implemented, and shall be required to meet those minimum standards annually as a condition of continued funding.

(c) As a condition of receiving funds, a county office of education, or a consortium of county offices of education, shall work with the local educational agencies within the county or

consortium of counties, and shall coordinate services to ensure that, for the 2015–16 and 2016–17 fiscal years, the level of direct services provided to support foster youth pupils is not less than what was provided in the 2014–15 fiscal year through the foster youth services program established pursuant to Section 42921, as it read on June 30, 2015. In meeting this requirement, services for foster youth pupils may be provided through one or any combination of state funding, including, but not limited to, the local control funding formula, or federal, local, or other funding.

(d) For the 2015–16 fiscal year, the allocation amount for which any county office of education or consortium of county offices of education is eligible shall not be less than the amount allocated to that county or consortium in the 2014–15 fiscal year, including the allocation amounts of school districts identified in Section 42920, as it read on June 30, 2015. This subdivision applies only if a county office of education or consortium of county offices of education elects to apply for grant funding pursuant to Section 42921.

(e) On or before October 31, 2015, the Superintendent shall develop an allocation formula to determine the allocation amounts for which each county office of education or consortium of county offices of education is eligible. The Superintendent, within 30 days of the developing the allocation formula, shall submit the allocation formula to the appropriate policy and fiscal committees of the Legislature and the Department of Finance for review, and the Department of Finance shall approve the allocation formula within 30 days of submission by the Superintendent. The allocation formula may be revised annually upon submission to the appropriate policy and fiscal committees of the Legislature and approval by the Department of Finance within 30 days of submission by the Superintendent. The Superintendent may include additional criteria in the allocation formula, but shall apply, at a minimum, the following criteria:

(1) The number of pupils in foster care in the county.

(2) The number of school districts in the county.

(f) Commencing with the 2016-17 fiscal year, the Superintendent shall provide a base grant of \$75,000 to each participating county office of education or consortium of county offices of education that serves at least one foster youth pupil in the prior fiscal year.

(g) After providing base grants pursuant to subdivision (f), the Superintendent shall allocate the remaining funding to participating county offices of education or consortium of county offices of education based on the following criteria:

(1) Seventy-percent of the allocation shall be based on the number of pupils in foster care in the county.

(2) Thirty-percent of the allocation shall be based on the number of school districts in the county.

(f) (h) For purposes of this chapter, “local educational agency” means a county office of education, school district, or charter school.

### **Integrated Teacher Preparation Grant**

Section 44259.1 of the Education Code is amended to read:

(New for MayRevision)

**SEC. XX.** 44259.1. (a) (1) An integrated program of professional preparation shall enable candidates for teaching credentials to engage in professional preparation, concurrently with subject matter preparation, while completing baccalaureate degrees at regionally accredited postsecondary educational institutions. An integrated program shall provide opportunities for candidates to complete intensive field ~~experiences~~ experiences, including student teaching, in public elementary and secondary schools early in the undergraduate sequence. The development and implementation of an integrated program shall be based on intensive collaboration among subject matter departments and education units within postsecondary educational institutions and local public elementary and secondary school districts.



(2) A postsecondary institution may offer a four-year integrated program of professional preparation that allows a student to earn a baccalaureate degree and a preliminary multiple or single subject teaching credential, or an education specialist instruction credential authorizing the holder to teach special education, including student teaching requirements, concurrently and within four years of study.

~~(2)~~ (3) The commission shall encourage postsecondary educational institutions to offer integrated programs of professional preparation that follow the guidelines developed pursuant to this section. In approving integrated programs, the commission shall not compromise or reduce its standards of subject matter preparation pursuant to Article 6 (commencing with Section 44310) or its standards of professional preparation pursuant to paragraph (3) of subdivision (b) of Section 44259.

(4) The commission shall, as part of its accreditation process, collect information about integrated programs of professional preparation, including which institutions offer integrated programs and the number and type of credentials the programs produce.

(b) (1) Commencing with the 2005–06 school year, an integrated program offered by the California State University shall be designed to concurrently lead to a preliminary multiple subject or single subject teaching credential, or an education specialist instruction credential authorizing the holder to teach special education, and a baccalaureate degree.

Recommendation for each shall be contingent upon satisfactory completion of the requirements for each.

(2) By July 1, 2004, the Chancellor of the California State University, in consultation with California State University faculty members, shall develop a framework defining appropriate balance for an integrated program of general education, subject matter preparation, and professional education courses, for both lower division and upper division students, including an appropriate range of units to be taken in professional education courses. In developing the framework, the Chancellor of the California State University and California State University faculty members shall consult with the Academic Senate for the California Community Colleges on matters related to the effective and efficient use of, and appropriate role for, lower division coursework in an integrated program.

(c) (1) By January 1, 2005, the Chancellor of the California State University and the Chancellor of the California Community Colleges shall collaboratively ensure that both of the following occur:

(A) Lower division coursework completed by a community college student transferring to a California State University integrated program is articulated with the corresponding coursework of the California State University.

(B) The articulated community college lower division coursework is accepted as the equivalent to the coursework offered to students who enter that integrated program as freshman students.

(2) Commencing with the 2005–06 school year, each campus of the California State University shall invite the community colleges in its region that send significant numbers of transfer students to that campus to enter into articulation agreements. These articulation agreements shall be based on a fully transferable education curriculum that is developed pursuant to the framework developed under paragraph (2) of subdivision (b). Approval of one or more of the articulation agreements will enable the coursework of a community college student to be accepted as the equivalent to the coursework offered to students who enter that integrated program as freshman students.

(d) A postbaccalaureate program of professional preparation shall enable candidates for teaching credentials to commence and complete professional preparation after they have completed baccalaureate degrees at regionally accredited institutions. The development and implementation of a postbaccalaureate program of professional preparation shall be based on intensive collaboration among the postsecondary educational institution and local public elementary and secondary school districts.

(e) The commission shall develop and implement a program to award 20 two-year or 40 one-year grants, or any combination of one- and two-year grants, of two hundred fifty thousand dollars (\$250,000) each to public and private postsecondary institutions for the development and implementation of four-year integrated programs of professional preparation including student teaching.

(1) A postsecondary institution awarded a grant under this subdivision may create a new four-year integrated program of professional preparation or adapt an existing integrated program of professional preparation.

(2) A postsecondary institution awarded a grant under this subdivision may use grant funds for any proper purpose in support of planning for and implementing a four-year integrated program of professional preparation, including, but not limited to, any of the following:

(A) To provide faculty release time to redesign existing courses.

(B) To provide program coordinators to assist in collaboration with subject-matter professors and pedagogy professors.

(C) To create summer courses for students in a four-year integrated program of professional preparation.

(D) To recruit individuals for participation as students in four-year integrated programs of professional preparation.

(3) In awarding grants pursuant to the program, the commission shall grant priority to proposals for the establishment of four-year integrated programs of professional preparation designed to do all of the following:

(A) Produce teachers with either an education specialist instruction credential authorizing the holder to teach special education or a single subject area credential in a subject with chronic shortages of qualified teachers.

(B) Partner with a California Community College and one or more K-12 local educational agencies to create a four-year integrated program of professional development.

(4) As a condition of the receipt of a grant, a postsecondary institution shall provide to the commission program and outcome data for at least three years after receiving the grant. The information shall include program design and features, the number of graduates, the number and type of credentials earned, the time taken to earn a degree and credential, and any other information the commission may require for the purpose of documenting the effect of the grant and identifying effective practices in program design and implementation.

(5) The requirements of this subdivision are contingent upon the appropriation of funds for the purposes of this subdivision in the annual Budget Act or another statute.

### **Child Nutrition Reimbursement Rate Increase**

Section 49430.5 of the Education Code is amended to read:

**SEC. 9.** 49430.5. (a) The reimbursement a school receives for free and reduced-price meals sold or served to pupils in elementary, middle, or high schools included within a school district, charter school, or county office of education shall be twenty-two and ~~eighty-two~~ **seventy-one** hundredths cents (~~(\$0.2282)~~ **(\$0.2271)** per meal, and, for meals served in child care centers and homes, the reimbursement shall be sixteen and ~~ninety-nine~~ **ninety-one** hundredths cents (~~(\$0.1699)~~ **(\$0.1691)** per meal.

(b) To qualify for the reimbursement for free and reduced-price meals provided to pupils in elementary, middle, or high schools, a school shall follow the Enhanced Food Based Meal Pattern, Nutrient Standard Meal Planning, or Traditional Meal Pattern developed by the United States Department of Agriculture or the SHAPE Menu Patterns developed by the state.

(c) The reimbursement rates set forth in this section shall be adjusted annually for increases in cost of living in the same manner set forth in Section 42238.1.

## **Storage of Independent Study Program Agreements**

Section 51747 of the Education Code is amended to read:

**SEC. 10.** 51747. A school district or county office of education shall not be eligible to receive apportionments for independent study by pupils, regardless of age, unless it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent, that include, but are not limited to, all of the following:

(a) The maximum length of time, by grade level and type of program, that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work.

(b) The number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether he or she should return to the regular school program. A written record of the findings of any evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

(c) A requirement that a current written agreement for each independent study pupil shall be maintained on file, including, but not limited to, all of the following:

(1) The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress.

(2) The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.

(3) The specific resources, including materials and personnel, that will be made available to the pupil.

(4) A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in independent study.

(5) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one school year.

(6) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.

(7) The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

(8) (A) Each written agreement shall be signed, before the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.

~~(B) A signed written agreement~~ Signed written agreements, supplemental agreements, assignment records, work samples, and attendance records assessing time value of work or evidence that an instructional activity occurred may be maintained ~~on file electronically as an electronic file.~~

(d) For the purposes of this section, an ~~electronic copy file~~ includes a computer or electronic stored image of an original document, including, but not limited to, portable document format (PDF), JPEG, or other digital image file type, that may be sent via fax machine, email, or other electronic means.

**(e) Either an original document, or an electronic file of the original document, is allowable documentation for auditing purposes.**

### **Career Technical Education Incentive Grant Match Review**

Section 53076 of the Education Code is amended to read:

(New for May Revision)

**SEC. XX.** 53076. For purposes of administering the program established by this chapter, the Superintendent may do any of the following:

(a) Determine, in collaboration with the executive director of the state board, specific funding amounts and the number of grants to be awarded.

(b) Distribute funding on a multiyear schedule, establish a process for monitoring the use of the funding, and, if necessary, cease distribution of funding and recover previously distributed funding in the case of a recipient's failure to comply with a grant prerequisite or minimum standard.

(c) Annually review grant recipients expenditures on career technical education programs for purposes of determining if the grant recipients have met the dollar-for-dollar match requirement, as specified in subdivision (a) of Section 53071 of the Education Code. If after review, the Superintendent determines that a grant recipient failed to meet the matching funds requirement, the Superintendent shall reduce the following year's grant allocation in an amount equal to the unmet portion of the match requirement.

~~(c)(d)~~ Require grant recipients to submit program reports.

~~(d)(e)~~ Set aside up to 1 percent of the total amount provided for the program for one or both of the following purposes:

(1) To provide planning grants.

(2) To contract with a local educational agency for the provision of technical assistance to applicants and grant recipients.

### **Funding for Out-of-Home Care Program for Special Education**

Section 56836.165 of the Education Code is amended to read:

(New for May Revision)

**SEC. XX.** 56836.165. (a) For the 2004-05 fiscal year and each fiscal year thereafter, the Superintendent shall calculate for each special education local plan area an amount based on (1) the number of children and youth residing in foster family homes, small family homes, and foster family agencies, (2) the licensed capacity of group homes licensed by the State Department of Social Services, and (3) the number of children and youth ages 3 to 21 years, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities or intermediate care facilities licensed by the State Department of Health Services and the number of children and youth, ages 3 to 21 years, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services.

(b) The department shall assign each facility described in paragraphs (1), (2), and (3) of subdivision (a) a severity rating. The severity ratings shall be on a scale from 1 to 14. Foster family homes and small family homes shall be assigned a severity rating of 1. Foster family agencies shall be assigned a severity rating of 2. Facilities described in paragraph (2) of subdivision (a) shall be assigned the same severity rating as its State Department of Social Services rate classification level. For facilities described in paragraph (3) of subdivision (a), skilled nursing facilities shall be assigned a severity rating of 14, intermediate care facilities shall be assigned a severity rating of 11, and community care facilities shall be assigned a severity rating of 8.

(c) (1) The department shall establish a "bed allowance" for each severity level. For the 2004-05 fiscal year, the bed allowance shall be calculated as described in paragraph (2). For the 2005-06 fiscal year and each fiscal year thereafter, the department shall increase the bed allowance by the inflation adjustment computed pursuant to Section 42238.1. The department shall not establish a bed allowance for any facility defined in paragraphs (2) and (3) of subdivision (a) if it is not licensed by the State Department of Social Services or the State Department of Health Services.

(2) (A) The bed allowance for severity level 1 shall be five hundred two dollars (\$502).

(B) The bed allowance for severity level 2 shall be six hundred ten dollars (\$610).

(C) The bed allowance for severity level 3 shall be one thousand four hundred thirty-four dollars (\$1,434).

(D) The bed allowance for severity level 4 shall be one thousand six hundred forty-nine dollars (\$1,649).

(E) The bed allowance for severity level 5 shall be one thousand eight hundred sixty-five dollars (\$1,865).

(F) The bed allowance for severity level 6 shall be two thousand eighty dollars (\$2,080).

(G) The bed allowance for severity level 7 shall be two thousand two hundred ninety-five dollars (\$2,295).

(H) The bed allowance for severity level 8 shall be two thousand five hundred ten dollars (\$2,510).

(I) The bed allowance for severity level 9 shall be five thousand four hundred fifty-one dollars (\$5,451).

(J) The bed allowance for severity level 10 shall be five thousand eight hundred eighty-one dollars (\$5,881).

(K) The bed allowance for severity level 11 shall be nine thousand four hundred sixty-seven dollars (\$9,467).

(L) The bed allowance for severity level 12 shall be thirteen thousand four hundred eighty-three dollars (\$13,483).

(M) The bed allowance for severity level 13 shall be fourteen thousand three hundred forty-three dollars (\$14,343).

(N) The bed allowance for severity level 14 shall be twenty thousand eighty-one dollars (\$20,081).

(d) (1) For each fiscal year, the department shall calculate an out-of-home care funding amount for each special education local plan area as the sum of amounts computed pursuant to paragraphs (2), (3), and (4). The State Department of Social Services and the State Department of Developmental Services shall provide the State Department of Education with the residential counts identified in paragraphs (2), (3), and (4).

(2) The number of children and youth residing on April 1 in foster family homes, small family homes, and foster family agencies located in each special education local plan area times the appropriate bed allowance.

(3) The capacity on April 1 of each group home licensed by the State Department of Social Services located in each special education local plan area times the appropriate bed allowance.

(4) The number on April 1 of children and youth (A) ages 3 through 21 referred by the State Department of Developmental Services who are residing in skilled nursing facilities and intermediate care facilities licensed by the State Department of Health Services located in each special education local plan area times the appropriate bed allowance, and (B) ages 3 to 21 years, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services located in each special education local plan area times the appropriate bed allowance.

(e) In determining the amount of the first principal apportionment for a fiscal year pursuant to Section 41332, the Superintendent shall continue to apportion funds from Section A of the State School Fund to each special education local plan area equal to the amount apportioned at the advance apportionment pursuant to Section 41330 for that fiscal year.

(f) Notwithstanding subdivision (b) and paragraph (3) of subdivision (d), for the 2016-17 fiscal year funding for group homes, the Superintendent shall use the rate classification levels as they exist on December 31, 2016 and the capacity of each group home licensed by the State Department of Social Services located in each special education local plan area on December 31, 2016.

### **Single Test Delivery System**

Section 60602.6 is added to the Education Code to read: (New for May Revision)

**SEC. XX.** 60602.6. It is the intent of the Legislature that the California Department of Education minimize the impact to teachers and administrators and state resources by ensuring, where feasible, that future California computer-based assessments utilize the assessment delivery system infrastructure and hosting platform outlined in the Smarter Balanced Technical Hosting Solution as approved by the Department of Technology for the California Student Assessment System. All computer-based statewide assessments, to the extent possible and most cost-effective, will be developed to operate on the existing approved infrastructure, provide a single logical access point, support a single secure browser for remote and local access, and utilize uniform system development standards. The assessment delivery system infrastructure shall be scalable in nature to allow the department to incorporate additional computer-based statewide assessments as funded.

### **Remove Child Development Teacher and Supervisor Grant Program**

Repeal Section 69620 of the Education Code. (New for May Revision)

~~**SEC. XX.** 69620. There is hereby established the Child Development Teacher and Supervisor Grant Program, to be administered by the Student Aid Commission, with participation by students attending California public or private two-year or four-year postsecondary educational institutions who intend to teach or supervise in the field of child care and development in a licensed children's center. The Student Aid Commission may enter into an agreement with another state or local agency to administer this program.~~

Repeal Section 69621 of the Education Code. (New for May Revision)

~~**SEC. XX.** 69621. For purposes of this article, the following definitions apply:~~

~~(a) "Child Development Permit" means a permit issued by the Commission on Teacher Credentialing that authorizes an individual to teach, instruct, or supervise in a licensed child care and development program.~~

~~(b) "Licensed children's center" means a public school district-based, nonprofit community-based, or private proprietary program licensed by the State Department of Social Services under the health and safety requirements of Title 22 of the California Code of Regulations or administered by the State Department of Education under Title 5 of the California Code of Regulations. Licensed children's centers include federally subsidized, state-subsidized, and nonsubsidized child care and development programs serving children part day or full day.~~

Repeal Section 69622 of the Education Code.

(New for May Revision)

**SEC. XX. 69622.** ~~(a) Participants shall be enrolled in an approved course of study leading to the teacher, site supervisor, or program director level of the Child Development Permit.~~

~~(b) An applicant shall be eligible to participate if he or she meets one of the following criteria:~~

~~(1) Is nominated by a postsecondary institution.~~

~~(2) Is nominated by his or her employing agency that holds an approved waiver of staffing qualifications on behalf of the applicant.~~

~~(c) From the list of applicants who are eligible under subdivisions (a) and (b), the Student Aid Commission, or an agency designated by the commission, shall select participants on the basis of their demonstrated financial need and academic achievement, which may include, but not be limited to, high school grade-point average, college grade-point average, or academic test scores.~~

~~(d) Participants shall maintain no less than half-time enrollment and satisfactory academic progress as defined by the postsecondary educational institution.~~

~~(e) Recipients of a grant may renew their participation by maintaining satisfactory academic progress, financial need, and intent to pursue the approved course of study leading to the teacher, site supervisor, or program director level as provided in subdivision (a). The maximum amount any one recipient may receive through the grant program is six thousand dollars (\$6,000).~~

~~(f) Participants may not concurrently receive benefits from the grant program under this article and from the Child Development Teacher Loan Assumption Program.~~

Repeal Section 69623 of the Education Code.

(New for May Revision)

**SEC. XX. 69623.** ~~(a) To receive a grant under this article, a participant shall enter into a contractual agreement with the Student Aid Commission under which the participant agrees to do all of the following:~~

~~(1) Pursue a course of study leading to the Child Development Permit at the teacher, site supervisor, or program director level.~~

~~(2) Maintain full-time employment in a licensed children's center in California for a period of one year for each year in which grant assistance was received and provide the Student Aid Commission with evidence of compliance with this requirement.~~

~~(b) Each participant shall complete and return to the Student Aid Commission an employment verification for each year of service as a teacher, instructor, or supervisor. A year of employment may be based on a calendar year or a school year.~~

~~(c) The Student Aid Commission shall develop appropriate mechanisms to document and report annually to the State Department of Education regarding compliance with the requirements of paragraph (2) of subdivision (a).~~

Repeal Section 69624 of the Education Code.

(New for May Revision)

**SEC. XX.** ~~69624. (a) It is the intent of the Legislature that up to 100 new grants be awarded each year, or that the maximum number of grants be based on the amount of federal funds available from the Child Development Block Grant Act of 1990 (P.L. 97-35).  
(b) (1) Grants shall be awarded in the amount of two thousand dollars (\$2,000) for each academic year if the participant is enrolled at least one-half time in a four-year institution.  
(2) Grants shall be awarded in the amount of one thousand dollars (\$1,000) for each academic year if the participant is enrolled at least one-half time in a two-year institution.  
(3) Participants may renew their awards for a maximum of one additional year.~~

Repeal Section 69625 of the Education Code.

(New for May Revision)

**SEC. XX.** ~~69625. (a) In order to accomplish the purposes set forth in this article, commencing January 1, 1998, the Controller, the State Department of Education, the State Department of Social Services, or any other state agency receiving funds from the Child Care Development Block Grant Act of 1990 (P.L. 97-35) shall make these funds available to the Student Aid Commission for this program only to the extent this program is incorporated into, and approved in, the state plan established pursuant to subsection (a) of Section 658E of Subchapter C as contained in Section 5082 of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508).  
(b) For the purpose of implementing this article, the State Department of Education or designated state agency shall enter into an interagency agreement with the Student Aid Commission to allocate federal funds received annually for purposes of this program and to include funds for the administrative costs.  
(c) On or before January 1, 1999, and each year thereafter, the Student Aid Commission shall report to the State Department of Education or designated state agency regarding the federal funding level required to award 100 new grants and all of the renewal grants annually. The State Department of Education or designated state agency shall take these amounts into consideration when developing the state plan referenced in subdivision (a). The State Department of Education or designated state agency shall notify the Student Aid Commission of any revision to the federal funding level as reflected in changes to the Child Care and Development Block Grant State Plan.  
(d) This program is contingent upon the receipt of federal funds for the childcare and development block grant for the purposes of implementing this program.~~

Repeal Section 69626 of the Education Code.

(New for May Revision)

**SEC. XX.** ~~69626. (a) The Student Aid Commission shall administer the Child Development Teacher and Supervisor Grant Program. This includes determining the application procedures and the selection criteria for grant awards.  
(b) It is the intent of the Legislature that the Student Aid Commission consult with the Child Development Division of the California Department of Education, postsecondary educational institutions, and child care and development representatives of statewide organizations regarding the development of the program, including the program requirements and selection criteria.~~

Repeal Section 69627 of the Education Code.

(New for May Revision)

**SEC. XX.** ~~69627. Notwithstanding Section 7550.5 of the Government Code, the Student Aid Commission shall report to the Governor and the Legislature by January 1, 2001, on the Child Development Teacher and Supervisor Grant Program to assess the following:~~



- ~~(a) The number of applicants annually.~~
- ~~(b) The number of participants annually.~~
- ~~(c) The rate of compliance with academic and employment requirements.~~
- ~~(d) Participating postsecondary educational institutions.~~
- ~~(e) Needs assessment for program growth based on the eligible pool of applicants.~~
- ~~(f) Participation and success rates for each permit.~~
- ~~(g) The amount of grant funds awarded each year, by institution.~~
- ~~(Added by Stats. 1997, Ch. 721, Sec. 1. Effective January 1, 1998.)~~

Repeal Section 69628 of the Education Code.

(New for May Revision)

**SEC. XX.** ~~69628. This article shall not be implemented unless and until federal funds are made available for the purposes of implementing this article in accordance with subdivision (a) of Section 69625.~~

### **Amend Mandate Reasonable Reimbursement Methodology**

Section 17518.5 of the Government Code is amended to read:

**SEC. 13.** 17518.5. (a) "Reasonable reimbursement methodology" means a formula for reimbursing local agencies and school districts for costs mandated by the state, as defined in Section 17514.

(b) A reasonable reimbursement methodology shall be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs.

(c) A reasonable reimbursement methodology shall consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner.

(d) Whenever possible, a reasonable reimbursement methodology shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state, rather than detailed documentation of actual local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years.

(e) (1) A reasonable reimbursement methodology that is based on, in whole or in part, costs that have been included in claims submitted to the Controller for reimbursement, shall only use costs that have been audited by the Controller.

(2) Upon receiving a reasonable reimbursement methodology proposal that is based on, in whole or in part, costs that have been included in claims submitted to the Controller for reimbursement, the Commission on State Mandates shall notify the Controller within 30 days of receiving the proposed reasonable reimbursement methodology.

(3) The Controller shall select and audit a representative sample of the claimed costs used in the proposed reasonable reimbursement methodology within 360 days of being notified by the Commission on State Mandates.

(4) The allowable costs reported by the Controller as a result of the audits shall be the costs used for the proposed reasonable reimbursement methodology.

~~(e)~~ (f) A reasonable reimbursement methodology may be developed by any of the following:

- (1) The Department of Finance.
- (2) The Controller.
- (3) An affected state agency.
- (4) A claimant.

(5) An interested party.

### **Discretionary Funding and K-14 Mandate Debt Payments**

Section 17581.95 of the Government Code is amended to read:

**SEC. 15.** 17581.95. (a) (1) For the 2016-17 fiscal year, the sum of one billion ~~twenty two hundred twenty-one~~ million three hundred ~~seven thirty-six~~ thousand dollars ~~(\$1,020,307,000) (\$1,221,336,000)~~ is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to school districts and county superintendents of schools in the manner, and for the purposes, set forth in this section.

(2) The sum of ~~seventy-six one hundred five~~ million ~~three five~~ hundred ~~one seven~~ thousand dollars ~~(\$76,307,000) (\$105,501,000)~~ is hereby appropriated from the General Fund to the Chancellor of the California Community Colleges for allocation to community college districts in the manner, and for the purposes, set forth in this section.

(3) For purposes of this section, a school district includes a county office of education and a charter school.

(b) The Superintendent of Public Instruction shall allocate the funds appropriated pursuant to paragraph (1) of subdivision (a) to school districts on the basis of an equal amount per unit of regular average daily attendance, as those average daily attendance numbers are reported at the time of the second principal apportionment for the 2015-16 fiscal year.

(c) The Chancellor of the California Community Colleges shall allocate the funds appropriated pursuant to paragraph (2) of subdivision (a) to community college districts on the basis of an equal amount per enrolled full-time equivalent student, as those numbers of students are reported at the time of the second principal apportionment for the 2015-16 fiscal year.

(d) Allocations made pursuant to this section shall first satisfy any outstanding claims pursuant to Section 6 of Article XIII B of the California Constitution for reimbursement of state-mandated local program costs for any fiscal year. Notwithstanding Section 12419.5 and any amounts that are paid in satisfaction of outstanding claims for reimbursement of state-mandated local program costs, the Controller may audit any claim as allowed by law, and may recover any amount owed by school districts or community college districts pursuant to an audit only by reducing amounts owed by the state to school districts or community college districts for any other mandate claims. Under no circumstances shall a school district or community college district be required to remit funding back to the state to pay for disallowed costs identified by a Controller audit of claimed reimbursable state-mandated local program costs. The Controller shall not recover any amount owed by a school district or community college district pursuant to an audit of claimed reimbursable state-mandated local program costs by reducing any amount owed a school district or community college district for any purpose other than amounts owed for any other mandate claims. The Controller shall apply amounts received by each school district or community college district against any balances of unpaid claims for reimbursement of state-mandated local program costs and interest in chronological order beginning with the earliest claim. The Controller shall report to each school district and community college district the amounts of any claims and interest that are offset from funds provided pursuant to this section and shall report a summary of the amounts offset for each mandate for each fiscal year to the Department of Finance and the fiscal committees of the Legislature.

(e) (1) The governing board of a school district or community college district may expend the one-time funds received pursuant to this section for any purpose, as determined by the governing board of the school district or community college district.

(2) It is the intent of the Legislature that school districts shall prioritize the use of these one-time funds for deferred maintenance, professional development for educators, induction for beginning teachers with a focus on relevant mentoring, instructional materials, technology

infrastructure, and any other investments necessary to support implementation of the common core standards in English language arts and mathematics, the implementation of English language development standards, and the implementation of the Next Generation Science standards.

(3) It is the intent of the Legislature that community college districts shall prioritize the use of these one-time funds for professional development, campus security infrastructure, technology infrastructure, and developing open education resources and zero-textbook cost degrees.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, ~~three six~~ hundred thirty-~~nine four~~ million ~~eight hundred sixty-four~~ ~~forty~~ thousand dollars (~~\$339,040,000~~) (~~\$634,864,000~~) of the appropriations made by paragraph (1) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2014-15 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2014-15 fiscal year.

(g) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, ~~three twenty-nine~~ million ~~three four~~ hundred ~~ninety-four~~ ~~fifty-one~~ thousand dollars (~~\$3,394,000~~) (~~\$29,451,000~~) of the appropriations made by paragraph (2) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for community college districts," as defined in subdivision (d) of Section 41202 of the Education Code, for the 2014-15 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2014-15 fiscal year.

(h) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, ~~six five~~ hundred eighty-~~one six~~ million ~~two four~~ hundred ~~sixty-seven~~ ~~seventy-two~~ thousand dollars (~~\$681,267,000~~) (~~\$586,472,000~~) of the appropriations made by paragraph (1) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2015-16 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2015-16 fiscal year.

(i) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, seventy-~~two six~~ million ~~nine hundred thirteen~~ ~~fifty~~ thousand dollars (~~\$72,943,000~~) (~~\$76,050,000~~) of the appropriations made by paragraph (2) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for community college districts," as defined in subdivision (d) of Section 41202 of the Education Code, for the 2015-16 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2015-16 fiscal year.

### **Special Education Redevelopment Agency Revenue Backfill**

Add uncodified language as follows:

(New for May Revision)

**SEC. XX.** (a) On or before June 30, 2017, an amount to be determined by the Director of Finance shall be appropriated from the General Fund to the Superintendent of Public Instruction in augmentation of Schedule (1) of Item 6110-161-0001 of Section 2.00 of the Budget Act of 2016.

(b) The funds appropriated in subdivision (a) shall only be available to the extent that revenues distributed to local educational agencies for special education programs pursuant to Sections

34177, 34179.5, 34179.6, and 34188 of the Health and Safety Code are less than the estimated amount reflected in the Budget Act of 2016, as determined by the Director of Finance.

(c) On or before June 30, 2017, the Director of Finance shall determine if the revenues distributed to local educational agencies for special education programs pursuant to Sections 34177, 34179.5, 34179.6, and 34188 of the Health and Safety Code exceed the estimated amount reflected in the Budget Act of 2016 and shall reduce Schedule (1) of Item 6110-161-0001 of Section 2.00 of the Budget Act of 2016 by the amount of that excess.

(d) In making the determinations pursuant to subdivisions (b) and (c), the Director of Finance shall consider any other local property tax revenues collected in excess or in deficit of the estimated amounts reflected in the Budget Act of 2016.

(e) The Director of Finance shall notify the Chairperson of the Joint Legislative Budget Committee, or his or her designee, of his or her intent to notify the Controller of the necessity to release funds appropriated in subdivision (a) or to make the reduction pursuant to subdivision (c), and the amount needed to address the property tax shortfall determined pursuant to subdivision (b) or the amount of the reduction made pursuant to subdivision (c). The Controller shall make the funds available pursuant to subdivision (a) not sooner than five days after this notification and the State Department of Education shall work with the Controller to allocate these funds to local educational agencies as soon as practicable.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2016-17 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2016-17 fiscal year.

### **Special Education Property Tax Revenue Backfill**

Add uncodified language as follows:

(New for May Revision)

**SEC. XX.** (a) On or before June 30, 2016, up to twenty eight million, five hundred thousand dollars (\$28,500,000) shall be appropriated from the General Fund to the Superintendent of Public Instruction in augmentation of Schedule (1) of Item 6110-161-0001 of Section 2.00 of the Budget Act of 2015 (Ch. 10, Stats 2015).

(b) The funds appropriated in subdivision (a) shall only be available to the extent that property tax revenues distributed to local educational agencies for special education programs, pursuant to Section 2572 of the Education Code, reported as of the second principal apportionment and certified pursuant to Section 41339 of the Education Code are less than the estimated amount reflected in the Budget Act of 2015, as determined by the Director of Finance.

(c) In making the determination pursuant to subdivision (b), the Director of Finance shall consider any other local property tax revenues collected in excess or in deficit of the estimated amounts reflected in the Budget Act of 2016.

(d) The Director of Finance shall notify the Chairperson of the Joint Legislative Budget Committee, or his or her designee, of his or her intent to notify the Controller of the necessity to release funds appropriated in subdivision (a), and the amount needed to address the property tax shortfall determined pursuant to subdivision (b). The Controller shall make the funds available pursuant to subdivision (a) not sooner than five days after this notification and the State Department of Education shall work with the Controller to allocate these funds to local educational agencies as soon as practicable, pursuant to Section 56836.08 (e) of the Education Code.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2015-16 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2016-17 fiscal year.

### **One-Time Funding for the Multi-Tiered Systems of Support Initiative**

Add uncodified language as follows:

(New for May Revision)

**SEC. XX.** (a) For the 2016-17 fiscal year, the sum of thirty million dollars (\$30,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to the Orange County Department of Education in the manner, and for the purposes, set forth in this section.

(b) The Superintendent and the Executive Director of the State Board of Education in consultation with the Orange County Department of Education "Scale Up MTSS Statewide" (SUMS) project will develop criteria for how the Orange County Department of Education will allocate the amount appropriated in subdivision (a), for the purpose of expanding and strengthening the use of evidence-based programs and practices through the use of a Multi-Tiered Systems of Support framework.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2014-15 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2016-17 fiscal year.

### **California School Information Services**

Add uncodified language as follows:

(New for May Revision)

**SEC. XX.** (a) For the 2016-17 fiscal year, the sum of six million six hundred thirty-six thousand dollars (\$6,636,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for transfer by the Controller to Section A of the State School Fund for the purposes set forth in subdivisions (b) and (c).

(b) Of the funds appropriated pursuant to subdivision (a), five million eight hundred eight thousand dollars (\$5,808,000) shall be provided to the Fiscal Crisis and Management Assistance Team for California School Information Services (CSIS), pursuant to the memorandum of understanding with the State Department of Education in support of the California Longitudinal Pupil Achievement Data System (CALPADS).

(c) Of the funds appropriated pursuant to subdivision (a), eight hundred twenty-eight thousand dollars (\$828,000) shall be provided to local educational agencies that did not participate in the former state reporting program administered by CSIS and are for the support of data submission to CALPADS.

(d) As a condition of receipt of funds appropriated in subdivision (b), CSIS shall submit an expenditure plan with workload justification to the Department of Finance and the Legislative Analyst's Office by November 1, 2016. The expenditure plan shall include, at a minimum, (a) positions filled and intended to be filled, (b) salaries and benefits, (c) external contracts, (d)

other operating expenses, and (e) equipment needs. The workload information shall include, at a minimum, activities performed by CSIS and by the State Department of Education to implement CALPADS, workload associated with maintenance of CALPADS, and assistance provided to local educational agencies in transmission of data to CALPADS. The expenditure plan and workload data shall provide information for the prior year, current year, and budget year.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, six million six hundred thirty-six thousand dollars (\$6,636,000) of the appropriations made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2014-15 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2014-15 fiscal year.

### **K-12 High Speed Network**

Add uncodified language as follows:

(New for May Revision)

**SEC. XX.** (a) For the 2016-17 fiscal year, the sum of three million five hundred thousand dollars (\$3,500,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to the K-12 High-Speed Network for operational activities authorized pursuant to Item 6100-182-0001 of the Budget Act of 2016.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, three million five hundred thousand dollars (\$3,500,000) of the appropriations made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2014-15 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2014-15 fiscal year.

### **Standardized Account Code Structure System Replacement Project**

Add uncodified language as follows:

(New for May Revision)

**SEC. XX.** (a) For the 2016-17 fiscal year, the sum of three million dollars (\$3,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for transfer to the Controller to Section A of the State School Fund for the purposes set forth in subdivision (b).

(b). The Superintendent shall allocate the funds appropriated pursuant to subdivision (a) to a county office of education, as determined by the Department of Education, to initiate the procurement of a replacement system for the Standardized Account Code Structure system.

(c). The funding provided pursuant to subdivision (a) shall only be available upon approval of the Department of Finance, and not sooner than 30 days after notification of the Joint Legislative Budget Committee.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, three million dollars (\$3,000,000) of the appropriations made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2014-15 fiscal year, and included within the "total allocations to school districts and community college districts

from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2014-15 fiscal year.

### **California Center on Teaching Careers**

Add uncodified language as follows:

(New for May Revision)

**SEC. XX.** (a) The sum of two million five hundred thousand dollars (\$2,500,000) is hereby appropriated from the General Fund to the Commission on Teacher Credentialing for allocation to a local educational agency to establish the California Center on Teaching Careers in the manner, and for the purposes, set forth in this section.

(b) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2014-15 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2014-15 fiscal year."

(c) The California Center on Teaching Careers is hereby established for the purpose of recruiting qualified and capable individuals into the teaching profession. From funds appropriated for that purpose, the Commission shall provide a multi-year award to a local educational agency through a competitive grant process to establish and administer the center with the concurrence of representatives of the Superintendent of Public Instruction, the University of California, the California State University, the Chancellor's Office of the California Community Colleges, and independent institutions of higher education, as defined in subdivision (b) of Section 66010. For purposes of this subdivision, "concurrence" means agreement on both of the following:

(1) The priorities, goals, and general objectives of the duties of the California Center on Teaching Careers.

(2) The order in which the duties specified in this section are undertaken.

(c) The activities of the California Center on Teaching Careers shall be implemented with the active involvement of local educational agencies whenever appropriate.

(d) The duties of the California Center on Teaching Careers include, but are not limited to, all of the following:

(1) Developing and distributing statewide public service announcements relating to teacher recruitment.

(2) Developing, modifying, and distributing effective recruitment publications.

(3) Providing information to prospective teachers regarding requirements for obtaining a teaching credential.

(4) Providing specific information to prospective teachers regarding admission to and enrollment into conventional and alternative teacher preparation programs, including identification of public and private postsecondary institutions that provide an integrated four-year preparation program.

(5) Providing specific information to prospective teachers regarding financial aid and loan assistance programs.

(6) Creating or expanding a referral database for qualified teachers seeking employment in the public schools.

(7) Developing and conducting outreach activities to high school pupils as well as to college students.

(8) Developing and conducting outreach activities to teachers to fill existing teacher shortage areas.

- (e) The California Center on Teaching Careers, in conducting its duties, shall coordinate and work collaboratively with the Education Job Opportunities Information Network, existing teacher recruitment centers, school districts, county offices of education, and other teachers clubs and organizations.
- (f) The California Center on Teaching Careers shall periodically reassess its recruitment activities aimed at individuals from different populations or target audiences for effectiveness and efficiencies in light of the state's teacher workforce, changing market conditions, changes to state and federal law, and any other evolving circumstances.
- (g) The California Center on Teaching Careers shall periodically review all products and communication tools for accuracy, quality, ease of use, and effectiveness.
- (h) On or before January 1, 2020, the Commission shall conduct an evaluation and report to the Department of Finance, relevant policy and fiscal committees of the Legislature, and the Legislative Analyst's Office outcomes of the California Centers on Teaching Careers including, but not limited to, the following:
  - (1) A focus on information that identifies the impact of the California Center on Teaching Careers on meeting the objective of recruiting teachers for California schools.
  - (2) Survey data from a representative sample of teacher preparation candidates, new teachers, and school districts to assess which methods of public outreach and engagement were most impactful on recruitment.

### **Child Care Single System Plan**

Amend uncodified language as follows:

**~~SEC. 17. (a) The State Department of Education shall develop a plan, with input from stakeholders, to transition contract-based funding for subsidized child care to voucher-based funding by the 2019-20 fiscal year. The plan shall include recommendations to shift funding for the general child care and development programs and the migrant child care and development programs, both of which are set forth in Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title I of the Education Code, from contracted programs to voucher-based programs and make recommendations for the reallocation of the federal Child Care and Development Block Grant quality funds that currently support contracted programs.~~**

**(a) No later than May 1, 2017, the Department of Education shall develop all of the following:**

**(1) A set of recommendations to streamline the existing subsidized child care system, including General Child Care, Migrant Child Care, the Alternative Payment Program, and CalWORKs Child Care, using vouchers as the method of subsidy. The purpose of shifting from contracts to vouchers shall be to provide eligible working families with better access to child care services that align with their need to work and to attend eligible educational activities. Recommendations shall include:**

**(A) A single system of provider reimbursement that reflects the variations in the cost of doing business across the state.**

**(B) A single set of minimum quality and program guidelines for all subsidized providers by setting.**

**(C) Improved efficiency for parents to access information about subsidized care, to apply for and use vouchers, and to access care that meets their needs.**

**(D) Improved efficiency for providers accepting subsidies to receive payment for services.**

**(2) A set of recommendations to reallocate federal Child Care and Development Block Grant quality funds in accordance with the recommendations in paragraph (1).**



(3) A plan to transition existing programs in accordance with the recommendations in paragraph (1) by 2019-20. To the extent possible, the plan shall include a process that ensures the transition does not disparately affect the continuity of care for families participating in contracted programs. The plan shall also ensure that contracted providers are provided appropriate transitional support and receive technical assistance to help them participate in voucher programs.

(4) All recommendations shall utilize existing infrastructure to the extent possible. The recommendations and the transition plan shall not increase existing state costs for subsidized child care and shall not reflect a reduction in the number of child care slots available statewide.

(5) The Department of Education shall participate in a stakeholder process in developing its recommendations and transition plan. Stakeholders shall include, but are not limited to, the Department of Social Services, the Governor's State Advisory Council for Early Learning and Care, First 5 California, alternative payment agencies, contracted child care providers, other subsidized child care providers, local educational agencies, and families utilizing subsidized care.

~~(b) The purpose of shifting from contracts to vouchers shall be to provide eligible working families with better access to child care services that align with their need to work and to attend eligible educational activities. To the extent possible, the plan shall include a process that ensures the transition does not disparately affect the continuity of care for families participating in contracted programs. The plan shall also ensure that contracted providers are provided appropriate transitional support and receive technical assistance to help them participate in voucher programs. The plan shall not increase existing state costs for the general child care program and shall not reflect a reduction in the number of child care slots available statewide.~~

~~(c)~~(b) The State Department of Education shall provide the plan to the Legislature in conformance with Section 9795 of the Government Code, Department of Finance, and the executive director of the State Board of Education on or before May 1, 2017. The State Department of Education shall make a draft of the plan available to the Department of Finance and the Governor's State Advisory Council on Early Learning and Care no less than 30 days before May 1, 2017, for comment and review.

### **Career Technical Education Incentive Grant Funding Source**

Repeal uncodified language.

~~SEC. 18. (a) Notwithstanding Section 52 of Chapter 13 of the Statutes of 2015, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, sixty million dollars (\$60,000,000) of the appropriation made by paragraph (2) of subdivision (a) of Section 53070 of the Education Code shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2015-16 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2015-16 fiscal year.~~

## School District LCFF Transition Funding Appropriation Augmentation

Amend uncoded language as follows:

**SEC. 21.** (a) The sum of ~~two billion eight hundred twenty-four million six hundred sixty-nine thousand dollars (\$2,824,669,000)~~ two billion nine hundred seventy-eight million seven hundred eighty-nine thousand dollars (\$2,978,789,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction and shall be allocated pursuant to the calculation in subdivision (b) of Section 42238.03 of the Education Code.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2016-17 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2016-17 fiscal year.

## Charter School Start-Up Grants

Amend uncoded language as follows:

**SEC. 22** (a)(1) The sum of twenty million dollars (\$20,000,000) is hereby appropriated from the General Fund to the ~~Superintendent of Public Instruction for transfer to Section A of the State School Fund~~ California School Finance Authority to support charter school start-up grants in an amount not to exceed \$575,000 per eligible applicant.

**(2) An eligible applicant shall be a charter school that is governed by a not-for-profit public benefit corporation that is authorized to operate in California and (1) a charter petitioner that has submitted a petition to a charter authorizer; (2) a charter school that has been authorized but is not yet operating as a charter school; or (3) a charter school that has not yet completed its first full year of operation as a charter school.**

~~(3) A charter school may apply for a startup grant prior to authorization, however~~ **No** grant awards shall be provided to any charter school or charter petitioner prior to authorization of its charter petition.

(4) Priority for grants shall be given to those applicants in counties with few or no charter schools, and in underserved communities with high populations of students eligible for free or reduced price meals pursuant to Section 42238.01.

~~(5) An start-up grant recipient is eligible applicant may~~ **to** receive their first grant award six months prior to commencing pupil instruction and may expend those funds until June 30, 2019, **so long as the funds are used only in the applicant's first or second year of operation.**

~~(b) Grant recipients shall use funds in their first or second year of operation~~ **A grant may be awarded** for one-time costs associated with the start-up of a new charter school, including but not limited to all of the following:

(1) Supplies, furnishings, equipment, and instructional materials.

(2) Professional development, coaching, and support services for teachers and charter school staff.

(3) Curriculum and policy development and acquisition.

(4) Facility and school site preparation or modifications necessary to implement the program in compliance with applicable laws.

~~(c) Within 60 days of an approved application for funding, the State Department of Education~~ **The California School Finance Authority** shall apportion funding to ~~each charter school~~ **the approved applicant** that meets the following conditions:

(1) The charter school has submitted its County-District-School code to the Department, or has submitted verification that the school has been approved by a public charter school authorizer and has submitted a request for a charter school number and County-District-School code from the Department.

(2) The charter school submits documentation of current enrollment or reasonable estimates of anticipated enrollment for the first year of operation based on information that has been confirmed by its authorizer through the charter petition signature process or review of the school's start-up budget.

**(d) Grant funds shall be disbursed within 60 days to an approved applicant based on evidence of anticipated or incurred costs provided by the applicant.**

~~(d)~~ **(e)** For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the funds appropriated pursuant to this section shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2016-17 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2016-17 fiscal year.

~~(e)~~ **(f)** Funding apportioned pursuant to this section is subject to the annual audits required by Section 41020 of the Education Code.

**(g) Actions taken to implement provisions of this item by the California School Finance Authority shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code."**